
 Please type a plus sign (+) inside this box → **+**

## TRANSMITTAL FORM

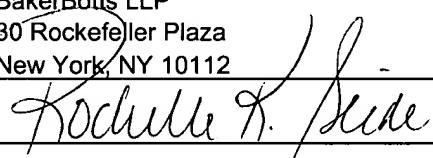
*(to be used for all correspondence after initial filing)*

		Application Number	09/463,851
		Filing Date	June 5, 2000
		First Named Inventor	Achenbach
		Group Art Unit	1651
		Examiner Name	Patten, P.
Total Number of Pages in This Submission	119	Attorney Docket Number	A32964 072874.0132

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		<input type="checkbox"/>

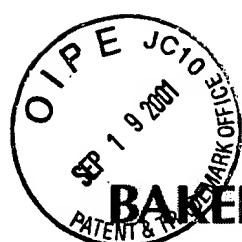
### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112		
Signature	 Att Name: Rochelle K. Seide PTO Reg: 32,300		
Date	September 17, 2001		

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **September 17, 2001**

Typed or printed name	Rochelle K. Seide		
Signature		Date	September 17, 2001



**BAKER BOTTS LLP**

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$ 130)

## Complaint if Known

Application Number	09/463,851
Filing Date	June 5, 2000
First Named Inventor	Achenbach
Examiner Name	Patten, P.
Group Art Unit	1651
Attorney Docket No.	A32964 072874.0132

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **02-4377**  
Deposit Account Name **Baker Botts LLP**

Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
710	355	Utility filing fee			
320	160	Design filing fee			
490	245	Plant filing fee			
710	355	Reissue filing fee			
150	75	Provisional filing fee			

**SUBTOTAL (1) (\$ 0)**

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
<input type="checkbox"/>	20** = <input type="checkbox"/> x <input type="checkbox"/> = <input type="checkbox"/> 0		
Independent Claims	-3** = <input type="checkbox"/> x <input type="checkbox"/> = <input type="checkbox"/> 0		
Multiple Dependent			

Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee Description
18	9	Claims in excess of 20		
80	40	Independent claims in excess of 3		
270	135	Multiple dependent claim, if not paid		
80	40	** Reissue independent claims over original patent		
18	9	** Reissue claims in excess of 20 and over original patent		

**SUBTOTAL (2) (\$ 0)**

\*for number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath			
50	25	Surcharge - late provisional filing fee or cover sheet			
130	130	Non-English specification			
2,520	2,520	For filing a request for ex parte reexamination			
920*	920*	Requesting publication of SIR prior to Examiner action			
1,840*	1,840*	Requesting publication of SIR after Examiner action			
110	55	Extension for reply within first month			
390	195	Extension for reply within second month			
890	445	Extension for reply within third month			
1,390	695	Extension for reply within fourth month			
1,890	945	Extension for reply within fifth month			
310	155	Notice of Appeal			
310	155	Filing a brief in support of an appeal			
270	135	Request for oral hearing			
1,510	1,510	Petition to institute a public use proceeding			
110	55	Petition to revive - unavoidable			
1,240	620	Petition to revive - unintentional			
1,240	620	Utility issue fee (or reissue)			
440	220	Design issue fee			
600	300	Plant issue fee			
130	130	Petitions to the Commissioner			130
50	50	Processing fee under 37 CFR 1.17(q)			
180	180	Submission of Information Disclosure Stmt			
40	40	Recording each patent assignment per property (times number of properties)			
710	355	Filing a submission after final rejection (37 CFR § 1.129(a))			
710	355	For each additional invention to be examined (37 CFR § 1.129(b))			
710	355	Request for Continued Examination (RCE)			
900	900	Request for expedited examination of a design application			

Other fee (specify) \_\_\_\_\_

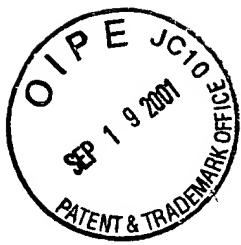
\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 130)**

## SUBMITTED BY

Name (Print/Type)	Rochelle K. Seide	Registration No. (Attorney/Agent)	32,300	Telephone	(212)408-2500
Signature	<i>Rochelle K. Seide</i>			Date	September 17, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



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Director Office

A32964-072874.0132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Achenbach

Serial No. : 09/463,851

Examiner: Patten, P.

Filed : June 5, 2000

Group Art Unit: 1651

For : PHARMACEUTICAL COMPOUNDS ISOLATED FROM ARISTOLOCHIA  
TALISCANA

**PETITION UNDER 37 CFR §1.53(e) TO CONVERT IMPROPER CPA APPLICATION  
FILED UNDER 37 CFR §1.53(d) TO AN APPLICATION UNDER CFR §1.53(b)**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Office of Petitions

September 17, 2001  
Date of Deposit

Rochelle K. Seide  
Attorney Name

1700

Signature

32,300

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**Registration No.**

September 17, 2001

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Date of Signature

Office of Petitions  
Four Crystal Plaza, suite 3C23  
2201 South Clarke Place  
Arlington, VA 22202

Attn: Petitions Examiner Christina Tartera

Madam:

Applicants respectfully petition herein under 37 C.F.R., §1.53(e) to convert the

NY02:346551.1

CPA application filed under 37 C.F.R. §1.53(d) to a continuation application filed under 37 C.F.R. §1.53(b). The relevant background is as follows.

The above-identified application was originally filed under 35 U.S.C. § 371 as the national stage of an international application on January 31, 2000. However, an oath or declaration was not provided by the Applicant. A Notification of Missing Requirements was mailed April 3, 2000. In response, Applicant's filed a Combined Declaration and Power of Attorney on June 5, 2000. A Notification of Acceptance of Application mailed June 15, 2000 and Filing Receipt mailed June 16, 2000 indicated June 5, 2000 to be the official filing date.

Subsequently, an Office Action was mailed January 4, 2001 for the the above-identified application. The Applicant filed a Continued Prosecution Application (CPA) under 37 C.F.R. §1.53(d) on July 3, 2001. Since the original filing date was January 31, 2000, Attorneys for the Applicant made an inadvertent error in believing that the CPA request was valid for the pending application. Since a request for CPA is not valid in an application filed on or after May 29, 2000, it was treated by the USPTO as a Request for Continued Examination (RCE). A Notice of Improper Request for Continued Examination (RCE) mailed August 6, 2001 indicated that the request was not accompanied by a submission and that the time period set forth in the final Office Action continued to run from the mailing date of that Office Action. A response to the Office Action mailed January 4, 2001 was set to expire three months from the mailing date on July 5, 2001.

Repeated attempts to call the USPTO were made to clarify the status of the application. On September 6, 2001, Examiner Patricia Patten, indicated that the application was abandoned. Upon such realization, the undersigned Attorney for the Applicant prepared and filed this petition for the above-identified application. At no time did Applicant or Applicant's Attorney intend to abandon the application.

Applicants respectfully petition herein under 37 C.F.R.. §1.53(e) to convert the CPA application filed under 37 C.F.R. §1.53(d) to a continuation application filed under 37 C.F.R. §1.53(b). The Federal Register vol 65, No.159 from August 16, 2000 states the following:

If an applicant files a request for a CPA of an application to which CPA practice no longer applies and does not want the request for a CPA to be treated as a request for continued examination under 1.114, the applicant may file a petition under §1.53(e) requesting that the improper CPA be converted to an application under §1.53(b). The requirements for such a petition under 1.53(e) are identical to those set forth in section 201.06(b) of the Manual of Patent Examining Procedure (7th ed.1998) (Rev. 1, Feb. 2000) (MPEP) for converting an improper file wrapper continuing (FWC) application under former 1.62 to an application under 1.53(b).

In support of this petition, Applicants enclose herewith the following papers: (1) a true copy of the complete application Serial No. 09/463,851 filed June 5, 2000 including 36 pages of specification, 11 pages of claims, and 8 sheets of informal drawings, 1 page of abstract, 3 pages of original transmittal letter, 4 pages of Form PCT/RO/101 (PCT Request), 7 pages of Form PCT/ISA/210 (International Search Report), 1 page of Form PCT/IB/332 (Information NY02:346551.1

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Concerning Elected Offices Notified of Their Election), 1 page of Form PCT/IB/308 (Notification of International Application to Designated Offices), 1 page of Form PCT/IB/306 (Notification of the Recording of A Change); (2) 3 pages of a copy of the Combined Declaration and Power of Attorney document from application Serial No. 09/371,293; (3) 6 pages of a Preliminary Amendment mailed June 27, 2000; (4) 4 pages of an Information Disclosure Statement and PTO 1449 mailed June 27, 2000; (5) 13 pages of a Preliminary Amendment and cited references mailed August 13, 2001; (6) 2 pages of a copy of the Notice of Improper Request for Continued Examination; (7) 5 pages of the continued prosecution application request papers mailed July 3, 2001; and (8) a check for \$130.00 in payment of the required petition fee under 37 C.F.R. 1.17(i).

Please charge any additional fees or credit any overpayment to Deposit Account No. 02-4377. A duplicate of this sheet is enclosed.

A32964-072874.0132

Favorable consideration of the present Petition is respectfully requested.

Respectfully submitted,

BAKER BOTTS, L.L.P.

By: Rochelle K. Seide

Rochelle K. Seide  
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Attorney for Applicants

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